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May 30, 2013
Via Fax at Telephone Number (202) 219-3923
and U.S. Mail First Class Postage Prepaid

Federal Election Commission
999 E Street NW
Washington, D.C. 20463

Re: In the matter of Thomas Fay MUR 6734

Enclosed please find Mr. Fay's Statement of Designation of Counsel and preliminary response to the complaint. Please note that your correspondence was sent and arrived while Mr. Fay was out of the jurisdiction. There was a delay in his receiving the complaint and it being forwarded to me. I am assuming we receive the customary extra 3 days to respond when served by mail.

Please address or copy me on all future correspondence in this matter.

We look forward to working with you.

Sincerely,


Ferris Ridgely Bond

2013 JUN -4 PM 1:02
OFFICE OF THE
COMMISSIONER
FEDERAL ELECTION
COMMISSION

FEDERAL ELECTION COMMISSION

In the matter of Thomas Fay

MUR 6734

RESPONSE OF THOMAS FAY TO SLOAN/RYAN COMPLAINT

Melanie Sloan and Paul S. Ryan complain that Thomas Fay violated 2 U.S.C. § 441a(a)(3)(A); and 11 C.F.R. §110.5(b)(1)(i) based upon an article published in the Huffington Post.

Thomas Fay responds to the complaint made as follows:

First: With respect to the allegations of the other respondents, Mr. Fay does not have sufficient knowledge to either admit or deny the conduct alleged,

Second: With respect to the allegations relating to his own conduct, Mr. Fay denies each and every allegation in the complaint with the exception of paragraph 17 listing his name and occupation.

Third: Paragraph 17 is admitted. We would add Mr. Fay and his wife lawfully donate money to candidates of both parties and causes supportive of creating and enforcing legislation allowing the collection of money damages against terrorist nations who sponsor acts of terrorism resulting in death and/or injury to American citizens.

Fourth: Mr. Fay was never contacted for comment on the Huffington Post Article to allow the correction of factual inaccuracies.

Fifth: The regulation and statute [2 U.S.C. § 441a(a)(3)(A); and 11 C.F.R. §110.5(b)(1)(i)] both are likely unconstitutional. The case of *Citizens United v. FEC*, 558 U.S. 310 (2010) suggests that limits on campaign contributions violate the 1st Amendment. The plaintiffs in the case of *McCutcheon v. Federal Election Commission* (Supreme Court Docket Number 12-536) argue that the biennial aggregate limits alleged to have been violated in this case violate the First Amendment. The case is to be heard by the Supreme Court the term beginning in October. A decision on the constitutionality of the biennial aggregate limits is expected.

Accordingly, Thomas Fay requests the following:

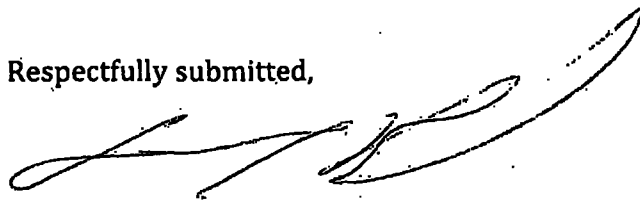
1. That the Commission stay any action on the case until the Supreme Court decides the constitutionality of aggregate contribution limits in the case of *McCutcheon v. Federal Election Commission* (Supreme Court Docket Number 12-356) now pending a hearing for the term starting in October.

2. Thereafter hold and find that the complaint does not set forth reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as Amended.

In the Alternative

3. Find and hold that if any violation occurred, it was inadvertent, unintentional, mistaken and the result of among other things a misreading of a vague regulation.

Respectfully submitted,



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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6734
NAME OF COUNSEL: FERRIS RIDGELEY BOND
FIRM: Bond & Norman PLLC
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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5/30/13
Date
Respondent/Agent Signature
Attorney
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: Thomas Fay
MAILING ADDRESS: 777 Sixth Street NW, Suite 410
(Please Print) Washington, D.C. 20001

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Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation